

IAS Mains Law Science 1994

Paper I

Section A

1. Answer any three of the following (each answer should be in about 200 words):
 - a. Distinction between quasi-judicial and administrative functions is no longer the exclusive criterion for deciding whether or not the rules of natural justice apply. Critically examine the above statement.
 - b. The Preamble to the Constitution sets out the aims and aspirations of the people of India. To what extent have they been translated into the various provisions of the Constitution?
 - c. The law declared by the Supreme Court of India shall be binding on all courts within the territory of India. Discuss.
 - d. One of the methods of control over the exercise of power of delegated legislation is legislative overseeing of delegated legislation. Discuss, Highlight the legislative control over delegated legislation.
2. Answer the following questions
 - a. Examine the conditions under which emergency can be proclaimed under Article 352 of the Constitution. Point out the safeguards against undue prolongation of the emergency.
 - b. Assess the powers of the Governor as the head of the Government of a State. Is the Governor bound to act according to the advice of the Chief Minister when he exercises powers conferred on him under a statute as the Chancellor of a University in his State? Give your reasons
3. Answer the following questions
 - a. All obstructions or impediments, whatever shape they take, to the free flow or movement of trade or noncommercial intercourse offend Article 301 of the Constitution. Critically examine the above statement with the help of decided cases.
 - b. One has to turn to the privileges of the House of Commons to ascertain the parliamentary privileges in India. How far is this statement still correct? Give reasons.
4. Attempt any two of the following:
 - a. A lawyer challenges the appointment of P as a judge of the High Court on the ground that the Chief Justice of India did not recommend the name of P when the President consulted him. Identify the issues involved in this case.
 - b. The post of the Director of Health Services was reserved by the State government for Scheduled Caste. A member of the Scheduled Caste was appointed to this post. B, the senior most Deputy Director of the Health Services questioned the selection, B's argument was that treating a single isolated post of the director as reserved is hundred percent reservation not allowed under the Constitution. Write a reasoned judgement.
 - c. The Regulation framed under a State law empowers the State government to prohibit, in certain areas during agricultural season, employment of labourers for manufacture of

The State law was framed to promote agriculture. The District Collector used the power under the Regulations and issues a prohibitory order. An affected bidi manufacturer challenges the constitutional validity of the State law and the Regulation. Decide.

Section B

5. Answer any three of the following (each answer should be in about 200 words):

- a. _____ Custom and treaties are the two principal sources of international law. Discuss.
- b. No Constitution can limit sovereignty, which is an attribute of the king in a monarchy, and of the people in a democracy. Do you agree with the view that the modern developments in international law cast a doubt on this statement.
- c. A pirate is subject to arrest, trial and punishment by all States on the ground that he is an enemy of mankind. Examine whether the same principles are applied to a hijacker of aircraft.
- d. Arbitration is essentially a consensual procedure. Distinguish arbitration with other methods of peaceful settlement.

6. Answer the following questions

- a. Examine the impact of international conventions on the evolution of human rights jurisprudence.
- b. Elaborate the new concepts laid down by the Third United Nations Conference on the Law of the Sea (UNCLOS III). Point out the dissenting opinions that prevent full realization of the substantive recommendations of this Conference.

7. Answer any two of the following:

- a. The Government of State X is overthrown. Rebels establish a new Government. State Y continues to recognise the old Government but accords de facto recognition to the new Government. A suit is filed in State Z by new Government of State X against a bank for recovery of certain money due to State X. The old Government opposes the suit claiming that the money belongs to the lawful representatives of State X. Decide.
- b. State A discovers a new island and displays its flag there. Thereafter State B occupies the island. After a few years State A desires to recover the island from State B. Advise State B.
- c. A Chinese warship which passes through the territorial waters of Singapore is damaged by the explosion of mines laid by Singapore there. A naval unit of China sweeps the mines of the territorial waters of Singapore without the consent of Singapore. Both China and Singapore complain against the action of the other. Develop the arguments on the basis of which decision can be given by the International Court of Justice.

8. Write short notes on any three of the following:

- a. Domestic jurisdiction of States.
- b. Reservation in a treaty.
- c. Self-defense.
- d. Charges d'affaires.